

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

BIG TIME VAPES, INC., *et al.*,

Plaintiffs,

v.

U.S. FOOD AND DRUG
ADMINISTRATION, *et al.*,¹

Defendants.

Civil Case No. 1:19-cv-531-LG-JCG

**DEFENDANTS' RESPONSE IN OPPOSITION TO
[15] PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Defendants hereby respond in opposition to Plaintiffs' motion for a preliminary injunction (ECF No. 15), and request that Plaintiffs' motion be denied in its entirety for the reasons stated in the combined memorandum of law that is being filed concurrently with this response. Specifically, as explained in Defendants' combined memorandum, Plaintiffs have not demonstrated a substantial likelihood of success on the merits, nor have they satisfied the other requirements for the extraordinary remedy of a preliminary injunction. And even if they had, the relief they request is overbroad.

¹ Admiral Brett P. Giroir, M.D., is now the Acting Commissioner of Food and Drugs, and is therefore automatically substituted as a defendant in his official capacity for Dr. Norman E. Sharpless, M.D., pursuant to Federal Rule of Civil Procedure 25(d).

November 6, 2019

Respectfully submitted,

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